

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN J. JUDKINS,

Defendant.

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Case No. 3:01cr17

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING UNOPPOSED REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(DOC. #56), THUS OVERRULING DEFENDANT'S REQUEST FOR
LEAVE TO AMEND AND/OR SUPPLEMENT (DOC. #53); LEAVE TO
APPEAL *IN FORMA PAUPERIS* AND REQUESTED CERTIFICATE OF
APPEALABILITY DENIED; ENTRY SETTING FORTH RESTITUTION
PAYMENTS

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his unobjected to Report and Recommendations filed February 20, 2008 (Doc. #56), as well as upon a thorough *de novo* review of this Court's file, said Report and Recommendations are adopted in their entirety. The Defendant's Request for Leave to Amend and/or Supplement, pursuant to Fed. R. Civ. P. 15(c)(2) (Doc. #53) is overruled.

Given that reasonable jurists would not agree with the conclusions reached herein, Defendant is denied both the right to appeal *in forma pauperis* and any requested Certificate of Appealability.

The Defendant's Motion (Doc. #55), seeking to have the Court schedule restitution payments, is sustained, to the limited extent that this Court will recommend to the Bureau of Prisons that if the Defendant, while incarcerated, is working in a non-UNICOR or grade 5 UNICOR job, the Defendant shall pay \$25.00 per quarter toward Defendant's monetary obligation. If working in a grade 1-4 UNICOR job, Defendant shall pay 50% of Defendant's monthly pay toward Defendant's monetary obligation. Any change in this schedule shall be made only by Order of this Court.

March 28, 2008

/s/ Walter Herbert Rice

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Shawn Judkins, Pro Se
and
Any Counsel of Record